

Assembly Bill No. 498

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

Passed the Senate August 19, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 5101.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 498, Hayashi. Vehicles: special interest license plates and decals: former American prisoners of war (POWs).

Existing law authorizes private organizations, including veterans' organizations, to participate in special interest license plate programs in which the Department of Motor Vehicles issues license plates with a participating organization's distinctive design or decal, and specifies the various fees concerning the issuance, renewal, registration, and replacement of damaged or unserviceable plates and decals. Existing law permits an eligible person who is a former American prisoner of war to apply for specially designed license plates for his or her vehicle that include distinctive lettering indicating "POW" and "Ex-Prisoner of War" and generally exempts that vehicle from registration and vehicle license fees (VLF).

This bill would additionally require the department, in consultation with the Department of Veterans Affairs and veterans' service organizations, to design and make available for issuance a special environmental design license plate for former American prisoners of war who prefer not to have their former status as a "POW" or "Ex-Prisoner of War" identified by words or other markings or symbols. The bill would require specified design criteria for these special interest license plates.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The State of California recognizes the tremendous sacrifices made by former American prisoners of war (POWs) and the special significance these veterans hold in American military history. The Department of Veterans Affairs is the agency tasked to serve California's veterans and their families by providing advocacy and to facilitate access to numerous benefits and services available to

veterans, which includes, among other things, certain categories of veterans' license plates issued by the Department of Motor Vehicles.

(b) Although ex-POWs are extremely proud of their great sacrifice to the war effort, it is with deep respect and understanding that the Legislature acknowledges that due to the experience of being held captive, there are ex-POWs that appreciate the vehicle registration fee exemption provided in the Vehicle Code in recognition of their service, but for personal reasons, would prefer not to have their ex-POW status displayed on their vehicle license plates.

(c) To this end, the Legislature declares that the Department of Motor Vehicles, in consultation with the Department of Veterans Affairs and veterans' service organizations, shall design and make available for issuance pursuant to Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code, an optional environmental license plate or decal for former American prisoners of war who prefer not to have their former status as ex-POWs identified by words or other markings or symbols.

SEC. 2. Section 5101.5 of the Vehicle Code is amended to read:

5101.5. (a) A person otherwise eligible under this article who is a former American prisoner of war may apply for special license plates for the vehicle under this article. The special license plates assigned to the vehicle shall run in a separate numerical series and contain a replica design of the American Prisoner of War Medal followed by the letters "POW" and four numbers. The special license plates issued under this subdivision also shall contain the following words: "Ex-Prisoner of War." The department shall, pursuant to this article, reserve and issue the special license plates provided for by this section only to persons who show by satisfactory proof former prisoner-of-war status. A person otherwise issued license plates within this series pursuant to this article prior to January 1, 1982, may retain them.

(b) Notwithstanding subdivision (a), the department, in consultation with the Department of Veterans Affairs and veterans' service organizations, shall design and make available for issuance pursuant to this article a special environmental design license plate for former American prisoners of war who prefer not to have their former status as a "POW" or "Ex-Prisoner of War" identified by

words or other markings or symbols. This section is not intended to prohibit individuals eligible for the special license plate from selecting the existing license plate design specified in subdivision (a). The design criteria for a special interest license plate pursuant to this subdivision are as follows:

(1) The license plate for a passenger vehicle, commercial vehicle, or trailer shall provide a space not larger than two inches by three inches to the left of the numerical series and a space not larger than five-eighths of an inch in height below the numerical series for a distinctive design, decal, or descriptive message as authorized by this subdivision. The license plates shall be issued in sequential numerical order or, pursuant to Section 5103, in a combination of numbers or letters.

(2) The license plate shall not identify “POW” or “Ex-Prisoner of War” by words or other markings or symbols.

(c) Special license plates may be issued pursuant to subdivision (a) only for a vehicle owned or coowned by a former American prisoner of war.

(d) Upon the death of a person issued the special license plates pursuant to this section, his or her surviving spouse may retain the special license plates subject to the conditions set forth in this section. If there is no surviving spouse, the special license plates shall be returned to the department either within 60 days following that death, or upon the expiration date of the vehicle registration, whichever date occurs first. However, in the absence of a surviving spouse, a member of the former prisoner of war’s family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (i), upon submitting an affidavit to the department agreeing not to attempt to use the special license plates for vehicle registration purposes.

(e) If a surviving spouse who has elected to retain the special license plates as authorized under subdivision (d) dies while in possession of the special license plates, the special license plates shall be returned to the department either within 60 days following that death, or upon the expiration date of the vehicle registration, whichever date occurs first. However, a member of the former prisoner of war’s family may retain one of the special license plates as a family heirloom, subject to the conditions set forth in subdivision (i), upon submitting an affidavit to the department

agreeing not to attempt to use the special license plates for vehicle registration purposes.

(f) A vehicle exempted from fees by Section 9105 and by Section 10783 of the Revenue and Taxation Code shall lose the exemption upon the death of the former American prisoner of war, except that if a surviving spouse elects to retain the special license plates as authorized under subdivision (d), the exemption pursuant to Section 9105, and Section 10783.2 of the Revenue and Taxation Code, shall extend until the death of that spouse.

(g) Sections 5106 and 5108 do not apply to this section.

(h) The department shall recall all former prisoner-of-war special license plates issued pursuant to this section prior to January 1, 1999, and shall issue to the holder of those special license plates, without charge, the revised special license plates authorized by this section.

(i) The special license plates issued under this section are not valid for use for vehicle registration purposes or for the purposes of Section 9105 or Section 10783 or 10783.2 of the Revenue and Taxation Code by a person other than the person issued the special license plates under subdivision (a) and the surviving spouse of that person.

(j) For purposes of this section, “family” means grandparents, stepgrandparents, parents, stepparents, siblings, stepsiblings, children, and stepchildren of the person issued the special license plates under subdivision (a).

Approved _____, 2010

Governor